

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Alexandros T. Demos et al.

Confirmation No. 7358

Serial No.: 10/783,748

Examiner: Khiem D. Nguyen  
Art Unit: 2823

Filed: February 20, 2004

Atty. Docket No. 017499-0360962  
AMAT-7034

For: Clean Process for an Electron Beam Source

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Submitted electronically.

BRIEF ON APPEAL

Mail Stop APPEAL  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is further to the Notice of Appeal filed February 15, 2007. A supportive brief is originally due April 15, 2007 and is currently due May 15, 2007. The Commissioner is authorized to charge the large entity fee for filing a brief in support of an appeal in the amount of \$500.00, and any required fee to Pillsbury Winthrop Shaw Pittman LLP's deposit account no. 50-2213 (order no. 017499-0360962).

Petition for Extension of Time. Appellants respectfully petition for an extension of time under Rule 136(a) of one month to cover the filing date of this paper. The Commissioner is authorized to charge the large entity fee for a one-month extension in the amount of \$120.00, and any required fee to Pillsbury Winthrop Shaw Pittman LLP's deposit account no. 50-2213 (order no. 017499-0360962).

### ***REAL PARTY IN INTEREST***

The real party in interest is Applied Materials, Inc., which has full title to the present application by virtue of an assignment from the inventors recorded at Reel/Frame No. 015012/0844.

### ***RELATED APPEALS AND INTERFERENCES***

There are no appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

### ***STATUS OF CLAIMS***

Claims 1 and 4-23 are pending in the application, all of which stand finally rejected. The rejections of all pending claims 1 and 4-23 are appealed.

### ***STATUS OF AMENDMENTS***

In response to the Final Office Action mailed September 15, 2006, Appellants filed an Amendment on December 15, 2006. According to the Advisory Action mailed January 16, 2007, this amendment was entered. No further amendments have been filed and/or not entered.

### ***SUMMARY OF CLAIMED SUBJECT MATTER***

The present invention relates to electron beam treatment for fabricating integrated circuit devices, and more particularly provides a method and apparatus for cleaning an electron beam (e-beam) treatment apparatus.

In accordance with certain aspects, during e-beam treatment of low-k dielectric CVD deposited films and the like, various organic and/or organo-silicon-based species may be volatilized and out-gassed from the e-beam treated films. At least some of these out-gassed species may deposit on the walls of an e-beam treatment chamber, and coat an electron beam source region. Over time, failing to clean such residue from an e-beam treatment apparatus may produce poor process performance. (see the present specification at, for example, paragraph [0007]).

The present invention provides a method and apparatus for effectively cleaning residues such as this in an e-beam treatment apparatus. In accordance with certain aspects, the cleaning process entails the use of the e-beam source to generate an electron beam, that in turn, energizes a cleaning gas in the e-beam chamber. The present inventors have discovered that the value of electron beam current is an important factor in determining how quickly the chamber is cleaned along with the introduction of the cleaning gas. Accordingly, a pressure of the cleaning gas is varied to maintain the electron beam current at a substantially constant value. (see the present specification at, for example, paragraphs [0032]-[0033]).

According to further aspects, the inventors have discovered that reaching and maintaining a relatively constant value of a chamber pressure for a predetermined length of time indicates a process endpoint such as that the chamber has been sufficiently cleaned. Accordingly, at this point, the flow of gas may be stopped. (see the present specification at, for example, paragraph [0033]).

According to the above aspects of the invention, each independent claim (claims 1, 8 and 16) of the present application specifically requires a method of cleaning a chamber (e.g. chamber 120) of an electron beam treatment apparatus (e.g. apparatus 100 in FIG. 1) comprising the steps of generating an electron beam current through a cleaning gas (e.g. from source 107) to energize the cleaning gas in the chamber, adjusting a pressure of the cleaning gas to maintain the electron beam current at a substantially constant value, and stopping the flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a predetermined length of time. (see FIG. 3, paragraphs [0032]-[0033], for example).

In some alternative embodiments, a high pressure chamber clean process uses a gas pressure of about 1 Torr or more. Accordingly, claims 13-15 require maintaining a gas pressure of about 1 Torr or more in the chamber (see the present specification at, for example, paragraph [0035]).

### ***GROUND OF REJECTION TO BE REVIEWED ON APPEAL***

Claims 1, 4, 5, 8-10 and 13-15 have been finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,981,960 to Ooah et al. (“Ooah”). Claims 16-18 and 21-23 have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Ooah. The remaining pending claims 6, 7, 11, 12, 19 and 20 have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Ooah in view of U.S. Patent No. 5,539,211 to Ohtoshi et al. (“Ohtoshi”). Appellants respectfully submit that these rejections are in error for multiple reasons, and seek review of the following independently reversible grounds:

- Whether the cited prior art discloses or suggests a cleaning method for an e-beam treatment apparatus with the following steps clearly required by each of the independent claims claim 1, 8 and 16:
  - adjusting a pressure of the cleaning gas to maintain the electron beam current at a substantially constant value, and
  - stopping the flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a predetermined period length of time.
- Whether Ooah discloses or suggests a cleaning method for an e-beam treatment apparatus wherein a pressure of the cleaning gas of about 1 Torr or greater is maintained in the chamber, as required by claims 13-15.

### ***ARGUMENT***

The present claims patentably define over Ooah and Ohtoshi because neither Ooah nor Ohtoshi, alone or in combination, contain each and every limitation of the claims.

The § 102 rejection of claims 1, 4, 5, 8-10 and 13-15 based on Ooah should be reversed. A cited prior art reference anticipates a claimed invention under 35 U.S.C. §102 only if every element of the claimed invention is identically shown in the single reference, arranged as they are in the claims. MPEP §2131; *In re Bond*, 910 F.2d 831, 832, 15 USPQ 2d 1566, 1567 (Fed. Cir. 1990). Each and every limitation of the claimed invention is significant and must be found in the single cited prior art reference. *In re Donohue*, 766 F.2d 531, 534, 226 USPQ 619, 621

(Fed. Cir. 1985). Where limitations are not explicitly present, “[t]o establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).

The § 103 rejections of claims 16-18 and 21-23 based on Ooah and claims 6, 7, 11, 12, 19 and 20 based on Ooah and Ohtoshi should be reversed. A *prima facie* case of obviousness under § 103 requires that each and every limitation be taught or suggested in the cited prior art. MPEP 2143.03; *In re Royka*, 490 F.2d 981 (CCPA 1974).

**The Cited Prior Art Does Not Disclose Or Suggest The Cleaning Method Required By Independent Claims 1, 8 and 16**

Independent claims 1 and 8 have been finally rejected under § 102 as being anticipated by Ooah and independent claim 16 has been finally rejected under § 103 as being unpatentable in view of Ooah. These rejections should be reversed because Ooah does not disclose or suggest each and every limitation of the independent claims, and Ooah’s deficiencies would not have been cured by the alleged combination of Ooah and Ohtoshi. Accordingly, the rejections of all the pending claims should be reversed for at least this reason.

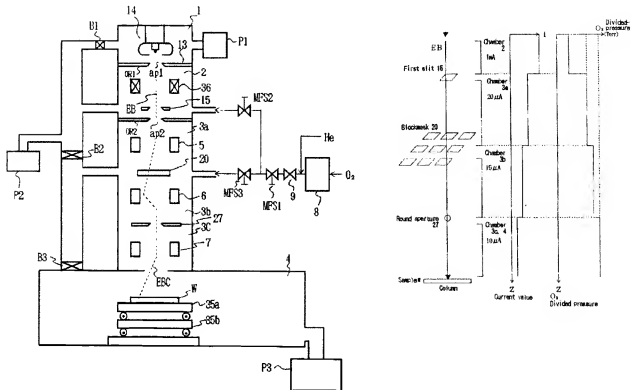
**A. Ooah Does Not Explicitly or Inherently Disclose Or Suggest Adjusting A Pressure Of The Cleaning Gas To Maintain The Electron Beam Current At A Substantially Constant Value As Required By Independent Claims 1, 8 and 16**

Independent claims 1, 8 and 16 define a cleaning method for an electron beam treatment apparatus that comprises, *inter alia*, “adjusting a pressure of the cleaning gas to maintain the electron beam current at a substantially constant value.” In the Final Office Action, the Examiner took the position that Ooah teaches this limitation (Detailed Action at 6), and in response to the Final Office Action, Appellants disputed this position.

In remarks accompanying the Advisory Action, the Examiner explained that:

Applicants' attention is respectfully directed to (col. 7, line 10 to col. 8, line 53 and FIGS. 6 and 8) where Ooach discloses adjusting a pressure of the cleaning gas in the main chamber 4 to  $5 \times 10^{-6} - 2 \times 10^{-5}$  Torr (col. 7, lines 10-20), and in FIG. 8 Ooach shows that the electron beam current in each individual chamber 2, 3a, 3b, 3c, and 4 is maintained at a substantially constant value. Thus, Ooach does teach adjusting a pressure of the cleaning gas to maintain the electron beam current at a substantially constant value.

For convenience, FIGS. 1 and 8 of Ooach are reproduced below.



As set forth in Appellants previous response, Ooach does not adjust a cleaning gas pressure to maintain a substantially constant electron beam current value. Rather, Ooach merely sets a pressure in response to the value of an independently-controlled electron beam. There is no teaching that Ooach aims at keeping the current constant, nor that the cleaning gas is adjusted so as to do that, as explicitly required the independent claims. Ooach merely teaches that, with reference to FIG. 8 (col. 10, lines 28-44):

The current of an electron beam in the individual areas is reduced as the electron beam passes through the corresponding slits or mask, and an example current strength for the electron beam in each area is shown in FIG. 8. As is apparent from FIG. 8, the concentration of ozone (divided pressure) is increased as the strength of the current is reduced. In other words, the concentration of ozone is reduced in an area in which the current of the electron beam is high, and the concentration of ozone is increased in an area in which the current of an electron beam is low.

In other words, Ooah teaches that whatever the current happens to be in a given chamber, the pressure is set in inverse proportion thereto. Where the current is high, the ozone pressure is set low, and vice-versa.

This teaching is not enough to meet the explicit limitations of the independent claims which require that the cleaning gas pressure is adjusted to maintain the electron beam current to a substantially constant value.

Although the Office Action does not provide any theory of rejection based on inherency, such a theory would be wrong. To support a rejection based on inherency, the Examiner “must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). Moreover, the Examiner’s evidence and reasoning “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. . . . The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis added).

One skilled in the art would not consider that a method for adjusting a cleaning gas pressure to maintain a substantially constant value of an electron beam current would necessarily flow from Ooah’s teachings. Rather, a more likely scenario is that Ooah’s pressure is adjusted in response to changes in the electron beam current, and that other independent devices and controls are used to adjust the electron beam current. Accordingly, Ooah would not have inherently suggested the method of the present claims either.

For at least the foregoing reasons, Ooach does not explicitly or inherently disclose or suggest adjusting a cleaning gas pressure to maintain a substantially constant electron beam current. Accordingly, the § 102 rejection of independent claims 1 and 8 along with claims 4-5 that depend from claim 1 and claims 9-10 that depend from claim 8, should be reversed for at least this reason. Also, the § 103 rejection of independent claim 16 along with claims 17-18 and 23 that depend from claim 16, as well as the § 103 rejection of claims 21 and 22 that depend from claims 1 and 8 respectively, should be reversed for at least this reason.

B. Ooach Does Not Explicitly or Inherently Disclose Or Suggest Stopping The Flow Of Cleaning Gas When The Cleaning Gas Pressure Becomes Substantially Constant For A Predetermined Length Of Time As Required By Independent Claims 1, 8 and 16

Independent claims 1, 8 and 16 define a cleaning method that further comprises, *inter alia*, “stopping the flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a predetermined length of time.”<sup>1</sup> In the Final Office Action, the Examiner took the position that Ooach teaches this limitation (Detailed Action at 6), and cites only the following passage (col. 5, lines 8-19, emphasis added) for support:

In this embodiment, ozone is introduced into the chambers of the electron beam exposure apparatus. The introduced ozone is separated into oxygen and activated oxygen by collision with an electron beam. The activated oxygen reacts with the carbon contamination that has accumulated on or has been deposited on the surface of the components. The reacted gas thereby is diffused as carbon oxide gas or carbon dioxide gas so that the occurrence of a beam drift is prevented. An ozonizer 8 generates ozone, which is introduced into the chambers through a valve 9 that is freely opened and closed, and through mass flow sensors MFS 1, 2 and 3.

As should be clear from this passage, Ooach teaches nothing about stopping the flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a predetermined

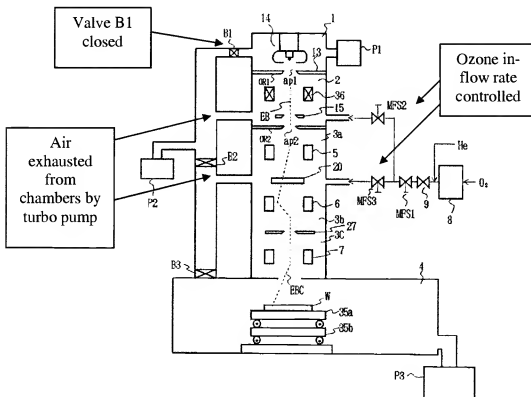
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<sup>1</sup> The corresponding wording of independent claim 16 is “stopping the introduction of the cleaning gas when the cleaning gas pressure reaches a substantially constant value and maintains the value for a length of time of 5 seconds.”



length of time. Rather, this passage of Ooach merely states that the ozone valve can be opened and closed.

Obviously valve 9 must close and the flow of ozone gas must stop at some point (e.g. when the device is not being used). However, there is absolutely no teaching or suggestion that Ooach stops the flow of the cleaning gas when its pressure becomes substantially constant for a predetermined length of time, as explicitly required the independent claims. On the contrary, Ooach teaches that, beginning at col. 4, line 60, all the chambers are evacuated to a high vacuum of  $1 \times 10^{-5}$  Torr. Then, at col. 5, line 61, valve B1 separating chamber 1 for the remaining chambers is closed, while the turbo pump P2 for exhausting the remaining chambers is operated. Then, at col. 6, line 1, ozone is supplied to chambers 2 and 3, and air “is exhausted from chambers 1 and 2 under different pressures.” Meanwhile, at col. 6, line 23, the mass flow sensors MFS2 and MF3 are controlled to maintain different ozone gas pressures in chambers 2 and 3. FIG. 1 of Ooach is reproduced below for convenience.



Accordingly, if anything, Ooach teaches the opposite of the claimed invention. That is, because air is continually exhausted from the chambers, the flow of ozone must be continued so

as to maintain the desired ozone gas pressure in the chambers at a predetermined value. This further requires that valve 9 remains open (i.e. the flow of cleaning gas is never stopped in connection with maintaining a given gas pressure). Presumably, the only time valve 9 is closed and the flow of gas is stopped is when the device is not being used and/or when the process restarts and the chambers must be evacuated again. However, Ooah provides no teaching or suggestion that the flow is ever stopped "when the cleaning gas pressure becomes substantially constant for a predetermined length of time."

Although the Office Action does not provide any theory of rejection based on inherency, such a theory would be wrong. One skilled in the art would not consider that a method for stopping a flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a predetermined length of time necessarily flows from Ooah's teachings. Rather, a more likely scenario is that Ooah's cleaning gas flow is constantly adjusted and kept flowing in response to changes in the electron beam current, and that other devices and controls are used to determine when to stop the flow of gas. Accordingly, Ooah would not have inherently suggested the method of the present claims either.

For at least the foregoing reasons, Ooah does not explicitly or inherently disclose or suggest stopping the flow of a cleaning when the gas pressure becomes substantially constant for a predetermined length of time. Accordingly, the § 102 rejection of independent claims 1 and 8 along with claims 4-5 that depend from claim 1 and claims 9-10 and 13-15 that depend from claim 8, should be reversed for at least this reason. Also, the § 103 rejection of independent claim 16 along with claims 17-18 and 23 that depend from claim 16, as well as the § 103 rejection of claims 21 and 22 that depend from claims 1 and 8 respectively, should be reversed for at least this reason.

C. The Alleged Combination Of Ooah With Ohtoshi Would Not Have Cured The Deficiencies Of Ooah With Respect To Independent Claims 1, 8 and 16

Claims 6 and 7 depend from claim 1, claim 12 depends from claim 8, and claims 19 and 20 depend from claim 16. These claims stand finally rejected as being unpatentable over Ooah in view of Ohtoshi.

However, as shown above, independent claims 1, 8 and 16 patentably define over Ooaeh. The alleged combination of Ohtoshi with Ooaeh would not have cured the deficiencies of Ooaeh with respect to the independent claims noted above. Accordingly, the alleged combination of Ooaeh and Ohtoshi would not have suggested the inventions of claims 6, 7, 12, 19 and 20 either.

Accordingly, the § 103 rejection of claims 6 and 7 that depend from claim 1, claim 12 that depends from claim 8, and claims 19 and 20 that depend from claim 16, should be reversed for at least this reason.

**The Cited Prior Art Does Not Disclose Or Suggest The Cleaning Method Required By Dependent Claims 13, 14 and 15**

Claims 13-15 have been finally rejected under § 102 as being anticipated by Ooaeh. These claims depend from independent claim 8 and the rejections should be reversed at least because Ooaeh does not disclose or suggest each and every limitation of independent claim 8 as shown above. However, the rejections of these claims should be reversed for at least one additional and independent reason.

More particularly, each of these claims require that a cleaning “gas pressure of about 1 Torr or greater is maintained in the chamber.”

Ooaeh does not teach, and in fact teaches away from maintaining such cleaning gas pressures. As shown above, Ooaeh explicitly teaches at col. 6, lines 19-22 that “a higher vacuum is maintained in the upstream chamber [2], where the volume of the electron beam is greatest, and a lower vacuum is maintained in the downstream chamber [3].” In other words, Ooaeh teaches maintaining an extremely low (near vacuum) concentration of cleaning gas in the chambers. At the highest levels, Ooaeh teaches at col. 7, lines 12-18 maintaining a gas pressure of between  $5 \times 10^{-6}$  to  $2 \times 10^{-5}$  Torr, which is less than one ten-thousandths of the pressure required by the claims.

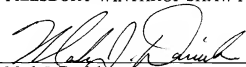
Accordingly, Ooaeh teaches away from the inventions of claims 13-15 and the § 102 rejections thereof based on Ooaeh should be reversed for at least this additional reason.

**CONCLUSION**

For the foregoing reasons, Appellants respectfully request that all the pending claims be deemed allowable by this honorable Board.

Respectfully submitted,  
PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: May 15, 2007



Mark J. Danielson

40,580

Reg. No.

Telephone: (650) 233-4777

Facsimile: (650) 233-4545

Please reply to customer no. 27,498

### CLAIMS APPENDIX

1. (Previously Presented) A method of cleaning a chamber of an electron beam treatment apparatus, the method comprising:

(a) generating an electron beam current through a cleaning gas to energize the cleaning gas in the chamber of the electron beam treatment apparatus;

(b) monitoring an electron beam current;

(c) adjusting a pressure of the cleaning gas to maintain the electron beam current at a substantially constant value; and

(d) stopping the flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a predetermined length of time.

2-3. (Canceled)

4. (Original) The method of claim 1 wherein the cleaning gas comprises an oxygen-based gas.

5. (Original) The method of claim 4 wherein the oxygen-based gas comprises one or more of O<sub>2</sub>, ozone, NO, and H<sub>2</sub>O.

6. (Original) The method of claim 1 wherein the cleaning gas comprises a fluorine-based gas.

7. (Previously presented) The method of claim 6 wherein the fluorine-based gas comprises one or more of NF<sub>3</sub>, F<sub>2</sub>, CF<sub>4</sub>, C<sub>2</sub>F<sub>6</sub>, C<sub>3</sub>F<sub>8</sub> and SF<sub>6</sub>.

8. (Previously Presented) A method of cleaning an electron beam treatment chamber, the method comprising:

(a) generating an electron beam current through a cleaning gas to energize the cleaning gas in the electron beam treatment chamber;

(b) adjusting a pressure of the cleaning gas to maintain the electron beam current at a substantially constant value; and

(c) stopping the flow of cleaning gas after the cleaning gas pressure becomes substantially constant for a predetermined length of time.

9. (Original) The method of claim 8 wherein the cleaning gas comprises an oxygen-based gas.

10. (Original) The method of claim 9 wherein the oxygen-based gas comprises one or more of O<sub>2</sub>, ozone, NO, and H<sub>2</sub>O.

11. (Original) The method of claim 8 wherein the cleaning gas comprises a fluorine-based gas.

12. (Previously presented) The method of claim 11 wherein the fluorine-based gas comprises one or more of NF<sub>3</sub>, F<sub>2</sub>, CF<sub>4</sub>, C<sub>2</sub>F<sub>6</sub>, C<sub>3</sub>F<sub>8</sub> and SF<sub>6</sub>.

13. (Original) The method of claim 8 wherein a gas pressure of about 1 Torr or greater is maintained in the chamber.

14. (Original) The method of claim 9 wherein a gas pressure of about 1 Torr or greater is maintained in the chamber.

15. (Original) The method of claim 11 wherein a gas pressure of about 1 Torr or greater is maintained in the chamber.

16. (Previously Presented) A method of cleaning a chamber of an electron beam treatment apparatus, the method comprising:

- (a) introducing a cleaning gas into the chamber;
- (b) generating an electron beam current through the cleaning gas to energize the cleaning gas in the chamber;
- (c) setting in the chamber, an electron beam current of about 1 mA or above;
- (d) adjusting a pressure of the cleaning gas to maintain the electron beam current at a substantially constant value; and

(e) determining an endpoint of the cleaning process and stopping introduction of the cleaning gas when the cleaning gas pressure reaches a substantially constant value and maintains the value for a length of time of 5 seconds.

17. (Previously presented) The method of claim 16 wherein the cleaning gas comprises an oxygen-based gas.

18. (Previously presented) The method of claim 17 wherein the oxygen-based gas comprises one or more of O<sub>2</sub>, ozone, NO, and H<sub>2</sub>O.

19. (Previously presented) The method of claim 16 wherein the cleaning gas comprises a fluorine-based gas.

20. (Previously presented) The method of claim 19 wherein the fluorine-based gas comprises one or more of NF<sub>3</sub>, F<sub>2</sub>, CF<sub>4</sub>, C<sub>2</sub>F<sub>6</sub>, C<sub>3</sub>F<sub>8</sub> and, SF<sub>6</sub>.

21. (Previously presented) The method of claim 1 comprising stopping the flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a length of time of 5 seconds.

22. (Previously presented) The method of claim 8 comprising stopping the flow of cleaning gas when the cleaning gas pressure becomes substantially constant for a length of time of 5 seconds.

23. (Previously presented) The method of claim 16 comprising setting in the chamber, an electron beam current of about 10 mA or above.

EVIDENCE APPENDIX

**None.**



RELATED PROCEEDINGS APPENDIX

**None.**